IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 23rd day of August 2005

Second Criminal Bail Application No.658/2005

Order on the bail application of accused

CRIMINAL SIDE

Devendra Kumar @ Sushil
S/o Shri Udham Singh
R/o village Kisauli
Post Office Kisauli
P.S. Agauta
District Bulandshahar, U.P. …..….. Applicant

Versus

State of Uttaranchal ……...Opposite Party

Arising out of case crime No.55 of 2004
{case crime No.8/2005 at Reporting Out Post Nayagaon
P.S. Patel Nagar, District Dehradun}
U/s 392 & 411 I.P.C.
Registered on the basis of FIR dated 17.4.2005
P.S. Patel Nagar
District Dehradun

Hon'ble J. C. S. Rawat, J.

Heard Sri Ramji Srivastava learned counsel for the applicant and Sri G. S. Sandhu learned A.G.A. for the State.

Perused the record. This is the second bail application. The first bail application was dismissed on merit.

The learned counsel for the applicant contended that the police have planted a false case and a false recovery has been shown. The FIR was lodged at about 8:35PM. The wireless message was flashed out at about 8:12PM on the same day and the vehicle was recovered at 8:45PM. The learned counsel for the applicant contended that the time shown by the prosecution shows that the entire recovery is doubtful. The learned counsel for the applicant has already raised this point in the first bail application. The ground shown in para 7 & 10 of the bail application has also been raised at the time of first bail application. The learned counsel for the applicant contended that there is omission in the FIR with regard to the incident. The learned A.G.A. refuted the contention and contended that the FIR is not the encyclopedia of each and every detail, which is taken place at the place of incident. If the genesis of the incident has been incorporated

in the FIR, it is sufficient for the police to start the investigation. Considering the facts and circumstances of the case, it is not fit case for bail.

Therefore, the bail application is hereby rejected.

Dated 23.08.2005 **(J.C.S. Rawat, J.)**

LSR